

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

WENDY DAVIS, DAVID GINS, and
TIMOTHY HOLLOWAY,

Plaintiffs,

V.

1:21-CV-565-RP

ELIAZAR CISNEROS, RANDI CEH, STEVE
CEH, JOEYLYNN MESAROS, ROBERT
MESAROS, and DOLORES PARK,

Defendants.

ORDER

At the final pretrial conference held on August 5, 2024, the Court stated that it intended to refer jury selection in this case to United States Magistrate Judge Mark Lane. (Min. Entry, Dkt. 461). Counsel for Defendants Eliazar Cisneros, Joeylynn Mesaros, and Robert Mesaros objected to Judge Lane presiding over jury selection. (*Id.*).

A magistrate judge may conduct jury selection when the parties consent. *See Peretz v. United States*, 501 U.S. 923, 935–36 (1991). However, parties have a right to object to a magistrate judge presiding over jury selection in their case. *See id.* at 932–935. Accordingly, the Court **SUSTAINS** Cisneros and the Mesaros Defendants’ objections.

The Court now intends to refer jury selection to United States Magistrate Judge Susan Hightower. **IT IS ORDERED** that the parties shall file a notice with the Court, on or before **August 14, 2024**, indicating whether they consent to Judge Hightower conducting jury selection in this case. If any party fails to file a notice by this deadline, the Court will understand that party to have consented to the referral.

SIGNED on August 7, 2024.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE